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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HAROLD PAULSEN, Plaintiff, v. BOBBY HYEK and SARGENT BARBEE, Defendants.	)))))))))))	8:14CV336 MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's third motion for appointment of counsel (Filing No. 40). In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel." Trial courts have "broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim." *Id*. Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS ORDERED that Plaintiff's motion for appointment of counsel (Filing No. 40) is denied without prejudice.

October 27, 2016 BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge

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